

House Study Bill 61 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
EDUCATION BILL)

A BILL FOR

1 An Act relating to at-risk, alternative and alternative school,
2 and returning dropout and dropout prevention programs and
3 funding.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 257.10, subsection 5, Code 2015, is
2 amended to read as follows:

3 5. *Combined district cost per pupil.* The combined district
4 cost per pupil for a school district is the sum of the regular
5 program district cost per pupil and the special education
6 support services district cost per pupil. Combined district
7 cost per pupil does not include a modified supplemental amount
8 added for school districts that have a negative balance of
9 funds raised for special education instruction programs, a
10 modified supplemental amount granted by the school budget
11 review committee for a single school year, or a modified
12 supplemental amount added for programs ~~for dropout prevention~~
13 established pursuant to sections 257.38 through 257.41.

14 Sec. 2. Section 257.11, subsection 4, paragraph a, Code
15 2015, is amended to read as follows:

16 a. In order to provide additional funding to school
17 districts for programs serving at-risk pupils, alternative
18 program and alternative school pupils in secondary schools, and
19 pupils identified as potential dropouts or returning dropouts
20 as defined in section 257.39, a supplementary weighting plan
21 for at-risk such pupils is adopted. A supplementary weighting
22 of forty-eight ten-thousandths per pupil shall be assigned
23 to the percentage of pupils in a school district enrolled in
24 grades one through six, as reported by the school district on
25 the basic educational data survey for the base year, who are
26 eligible for free and reduced price meals under the federal
27 National School Lunch Act and the federal Child Nutrition
28 Act of 1966, 42 U.S.C. §1751-1785, multiplied by the budget
29 enrollment in the school district; and a supplementary
30 weighting of one hundred fifty-six one-hundred-thousandths
31 per pupil shall be assigned to pupils included in the
32 budget enrollment of the school district. Amounts received
33 as supplementary weighting ~~for at-risk pupils~~ under this
34 subsection shall be utilized by a school district to develop
35 or maintain at-risk pupils' programs, ~~which may include~~

1 alternative programs and alternative school programs, and
2 returning dropout and dropout prevention programs approved
3 pursuant to section 257.40.

4 Sec. 3. Section 257.11, subsection 4, Code 2015, is amended
5 by adding the following new paragraphs:

6 NEW PARAGRAPH. *d.* Up to five percent of the total amount
7 that a school district receives as supplementary weighting
8 pursuant to this subsection or as a modified supplemental
9 amount received under section 257.41, may be used in the budget
10 year for purposes of providing district-wide or building-wide
11 at-risk and dropout prevention programming targeted to pupils
12 who are not deemed at risk.

13 NEW PARAGRAPH. *e.* Notwithstanding paragraph “*d*” and section
14 282.24, if a pupil has been determined by the school district
15 to be likely to inflict self-harm or likely to harm another
16 pupil and all of the following apply, the school district may
17 use amounts received pursuant to paragraph “*a*” to pay the
18 instructional costs necessary to address the pupil’s behavior
19 during instructional time when those services are not otherwise
20 provided to pupils who do not require special education and the
21 costs exceed the costs of instruction of pupils in a regular
22 curriculum:

23 (1) The pupil does not require special education.

24 (2) The pupil is not in a court-ordered placement under
25 chapter 232 under the care and custody of the department of
26 human services or juvenile court services.

27 (3) The pupil is not in the state training school or the
28 Iowa juvenile home pursuant to a court order entered under
29 chapter 232 under the care and custody of the department of
30 human services.

31 (4) The pupil is not placed in a facility licensed under
32 chapter 135B, 135C, or 135H.

33 Sec. 4. Section 257.38, Code 2015, is amended to read as
34 follows:

35 **257.38 Programs Funding for at-risk, alternative school, and**

1 returning dropouts and dropout prevention programs — plan.

2 1. Boards of school districts, individually or jointly with
3 boards of other school districts, requesting to use a modified
4 supplemental amount for costs in excess of the amount received
5 under section 257.11, subsection 4, for programs for at-risk
6 students, secondary students who attend alternative programs
7 and alternative schools, and returning dropouts and dropout
8 prevention, shall submit comprehensive program plans for the
9 programs and budget costs, including annual requests for a
10 modified supplemental amount for funding the programs, to the
11 department of education as a component of the comprehensive
12 school improvement plan submitted to the department pursuant to
13 section 256.7, subsection 21. The program plans shall include:

14 a. Program goals, objectives, and activities to meet
15 the needs of ~~children who may drop out of school~~ students
16 identified as at risk, secondary students who attend
17 alternative programs and alternative schools, or potential
18 dropouts or returning dropouts.

19 b. Student identification criteria and procedures.

20 c. Staff in-service education design.

21 d. Staff utilization plans.

22 e. Evaluation criteria and procedures and performance
23 measures.

24 f. Program budget.

25 g. Qualifications required of personnel delivering the
26 program.

27 ~~h. A provision for dropout prevention and integration of~~
28 ~~dropouts into the educational program of the district for~~
29 at-risk students.

30 i. A provision for identifying ~~dropouts~~ at-risk students.

31 ~~j. A program for returning dropouts.~~

32 ~~k.~~ j. Other factors the department requires.

33 2. Program plans shall identify the parts of the plan that
34 will be implemented first upon approval of the request. If a
35 district is requesting to use a modified supplemental amount

1 to finance the program, the school district shall not identify
2 more than five percent of its budget enrollment for the budget
3 year as returning dropouts and potential dropouts.

4 Sec. 5. Section 257.40, Code 2015, is amended to read as
5 follows:

6 **257.40 Approval of programs for at-risk pupils, alternative**
7 **programs and schools, and returning dropouts and dropout**
8 **prevention — ~~annual report~~.**

9 ~~1.~~ The board of directors of a school district requesting
10 to use a modified supplemental amount for costs in excess of
11 the funding received under section 257.11, subsection 4, for
12 programs for at-risk students, secondary students who attend
13 alternative programs and alternative schools, or returning
14 dropouts and dropout prevention shall submit requests for a
15 modified ~~at-risk~~ supplemental amount, including budget costs,
16 to the department not later than December 15 of the year
17 preceding the budget year during which the program will be
18 offered. The department shall review the request and shall
19 prior to January 15 either grant approval for the request
20 or return the request for approval with comments of the
21 department included. An unapproved request for a program may
22 be resubmitted with modifications to the department not later
23 than February 1. Not later than February 15, the department
24 shall notify the department of management and the school budget
25 review committee of the names of the school districts for which
26 programs using a modified supplemental amount for funding have
27 been approved and the approved budget of each program listed
28 separately for each school district having an approved request.

29 ~~2. Beginning January 15, 2007, the department shall submit~~
30 ~~an annual report to the chairpersons and ranking members~~
31 ~~of the senate and house education committees that includes~~
32 ~~the ways school districts in the previous school year used~~
33 ~~modified supplemental amounts approved under subsection~~
34 ~~1, identifies, by grade level, age, and district size, the~~
35 ~~students in the dropout and dropout prevention programs for~~

1 ~~which the department approves a request; describes school~~
2 ~~district progress toward increasing student achievement and~~
3 ~~attendance for the students in the programs; and describes how~~
4 ~~the school districts are using the revenues from the modified~~
5 ~~supplemental amounts to improve student achievement among~~
6 ~~minority subgroups.~~

7 Sec. 6. Section 257.41, subsections 1 and 2, Code 2015, are
8 amended to read as follows:

9 1. *Budget.* The budget of an approved program for at-risk
10 students, secondary students who attend alternative programs
11 or alternative schools, or returning dropouts and dropout
12 prevention for a school district, after subtracting funds
13 received under section 257.11, subsection 4, paragraphs "a"
14 through "c", and from other sources for that purpose, including
15 any previous carryover, shall be funded annually on a basis
16 of one-fourth or more from the district cost of the school
17 district and up to three-fourths through establishment of a
18 modified supplemental amount. Annually, the department of
19 management shall establish a modified supplemental amount for
20 each such school district equal to the difference between the
21 approved budget for the program ~~for returning dropouts and~~
22 ~~dropout prevention~~ for that district and the sum of the amount
23 funded from the district cost of the school district plus funds
24 received under section 257.11, subsection 4, and from other
25 sources for that purpose, including any previous carryover.

26 2. *Appropriate uses of funding.* Appropriate uses of the
27 ~~returning dropout and dropout prevention program funding for an~~
28 approved program include but are not limited to the following:

29 a. Salary and benefits for instructional staff,
30 instructional support staff, and school-based youth services
31 staff who are working with students who are participating in
32 at-risk or dropout prevention programs, alternative programs,
33 and alternative schools, in a traditional or alternative
34 setting, if the staff person's time is dedicated to working
35 with returning dropouts or such students who are deemed, at any

1 ~~time during the school year, to be at risk of dropping out,~~
2 in order to provide services beyond those which are provided
3 by the school district to students who are not identified
4 ~~as at risk of dropping out~~ participating in such programs
5 or alternative schools. However, if the staff person works
6 part-time with students who are participating in ~~returning~~
7 ~~dropout and dropout prevention programs, alternative programs,~~
8 ~~and alternative schools~~ a program or alternative school and
9 the staff person has another unrelated staff assignment,
10 only the portion of the staff person's time that is related
11 to the ~~returning dropout and dropout prevention program,~~
12 ~~alternative program,~~ or alternative school may be charged to
13 the program or school. For purposes of this paragraph, if
14 an alternative setting is necessary to provide for a program
15 which is offered at a location off school grounds and which
16 is intended to serve student needs by improving relationships
17 and connections to school, decreasing truancy and tardiness,
18 providing opportunities for course credit recovery, or helping
19 students identified as at risk of ~~dropping out~~ to accelerate
20 through multiple grade levels of achievement within a shortened
21 time frame, the tuition costs for a student identified as at
22 risk of ~~dropping out~~ shall be considered an appropriate use of
23 the ~~returning dropout and dropout prevention program~~ funding
24 under this section.

25 *b.* Professional development for all teachers and staff
26 working with at-risk students ~~and programs involving dropout~~
27 ~~prevention strategies~~ under a program or an alternative school
28 setting.

29 *c.* Research-based resources, materials, software, supplies,
30 and purchased services that meet all of the following criteria:

- 31 (1) Meets the needs of kindergarten through grade twelve
32 students identified as at risk of ~~dropping out and of returning~~
33 ~~dropouts.~~
- 34 (2) Are beyond those provided by the regular school program.
- 35 (3) Are necessary to provide the services listed in the

1 school district's ~~dropout prevention~~ plan submitted pursuant
2 to section 257.38.

3 (4) Will remain with the kindergarten through grade twelve
4 at-risk program, alternative program or alternative school, or
5 returning dropout and dropout prevention program.

6 ~~d. Up to five percent of the total budgeted amount received~~
7 ~~pursuant to subsection 1 may be used for purposes of providing~~
8 ~~district-wide or building-wide returning dropout and dropout~~
9 ~~prevention programming targeted to students who are not deemed~~
10 ~~at risk of dropping out.~~

11 Sec. 7. Section 257.41, Code 2015, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 4. *Other uses.* Notwithstanding subsection
14 2 and section 282.24, if a student has been determined by the
15 school district to be likely to inflict self-harm or likely to
16 harm another student and all of the following apply, the school
17 district may use the modified supplemental amount established
18 under subsection 1 to pay the instructional costs necessary to
19 address the student's behavior during instructional time when
20 those services are not otherwise provided to students who do
21 not require special education and the costs exceed the costs of
22 instruction of students in a regular curriculum:

23 (1) The student does not require special education.

24 (2) The student is not in a court-ordered placement under
25 chapter 232 under the care and custody of the department of
26 human services or juvenile court services.

27 (3) The student is not in the state training school or the
28 Iowa juvenile home pursuant to a court order entered under
29 chapter 232 under the care and custody of the department of
30 human services.

31 (4) The pupil is not placed in a facility licensed under
32 chapter 135B, 135C, or 135H.

33 EXPLANATION

34 The inclusion of this explanation does not constitute agreement with
35 the explanation's substance by the members of the general assembly.

1 This bill makes changes relating to at-risk programs,
2 alternative programs and alternative schools, and returning
3 dropout and dropout prevention programs and funding for the
4 schools and programs.

5 The bill modifies a provision that establishes supplementary
6 weighting for programs serving at-risk pupils and alternative
7 school pupils in secondary schools to add alternative programs
8 for secondary school pupils and programs for returning dropouts
9 and dropout prevention.

10 The bill authorizes a school district to use, in the budget
11 year, up to 5 percent of the total supplementary weighting
12 amounts received pursuant to Code section 257.11, subsection 4,
13 or up to 5 percent of a modified supplemental amount received
14 pursuant to Code section 257.41 for at-risk pupils, alternative
15 program and alternative school pupils, or pupils in returning
16 dropout and dropout prevention programs, for purposes of
17 providing district-wide or building-wide at-risk and dropout
18 prevention programming targeted to students who are not deemed
19 at risk.

20 The bill strikes a provision that allows a school district
21 to use up to 5 percent of its total budgeted amount received
22 for an approved program for returning dropouts and dropout
23 prevention to be used for purposes of providing district-wide
24 or building-wide returning dropout and dropout prevention
25 programming targeted to students who are not deemed at risk of
26 dropping out.

27 The bill provides that when a student who does not require
28 special education and who is not in a court-ordered placement
29 under the care and custody of the department of human services
30 or juvenile court services and who is not in the state training
31 school or the Iowa juvenile home and who is not placed in
32 a hospital, health care facility, or psychiatric medical
33 institution for children and who has been determined by the
34 school district to be likely to inflict self-harm or likely
35 to harm another student, the school district may use the

1 supplementary weighting amounts and the modified supplemental
2 amounts received for at-risk, alternative program and school,
3 or returning dropout and dropout prevention programs to pay the
4 instructional costs necessary to address the student's behavior
5 during instructional time when those services are not otherwise
6 provided to students who do not require special education
7 and the costs exceed the costs of instruction of pupils in a
8 regular curriculum.

9 The modified supplemental amount which a school district
10 may request must be for costs in excess of the supplementary
11 weighting amounts received by the school district for at-risk
12 students, alternative program and school students, and
13 potential or returning dropouts.

14 The bill makes conforming changes relating to the submission
15 of comprehensive program plans to the department of education
16 by school districts requesting to use a modified supplemental
17 amount for costs in excess of the supplementary weighting
18 received for at-risk, alternative school, and returning
19 dropouts and dropout prevention; and relating to budgets for
20 programs funded with modified supplemental amounts and to
21 allowable uses of program funding.

22 The bill strikes a provision requiring the department to
23 submit an annual report to the general assembly describing the
24 ways school districts used modified supplemental amounts for
25 returning dropout and dropout prevention programs in the prior
26 school year.